

Claims 6 and 8-10 are rejected under 35 USC 103(a) as above and further in view of the U.S. patent to Smith '144.

The Examiner's arguments in his rejection of the claims have been carefully considered. It is respectfully submitted that the present invention as defined in the current claims could not be considered as obvious from the prior art applied by the Examiner.

The circular power saw in accordance with the present invention is designed so that if kickback occurs, the saw assembly with the saw blade is capable of being decoupled from the operator's handling forces, which in a non-prior art typically acts on the saw blade. As a result, the translational impulse resulting from the instantaneously converted rotational energy from the saw blade remains smaller, because the saw assembly is first accelerated upwards relative to the footplate into its safety position. At the same time, the footplate of the circular power saw does not move off of the workpiece and the pivoting protective hood closes. If the circular power saw jumps away from the workpiece anyway, the saw blade no longer extends below the footplate and/or is covered by the pivoting protective hood. As a result, the operator is not endangered by a rotating saw blade. Due to the fact that the circular power saw is capable of being handled and guided using the handle connected only to the footplate in a fixed manner and not to a saw assembly, the saw assembly is capable of being

decoupled in a simple manner from the handling forces exerted by the operator. Since the saw assembly is pivotably detachable relative to the footplate via an overload coupling, then if kickback occurs it can get out of the way around the pivotable point of the cutting depth setting, and thereby the saw assembly with the saw blade is accelerated in the position above the footplate, so that a risk of injury by the saw blade is ruled out even when the footplate then lifts away from the workpiece.

The above mentioned highly advantageous which are achieved with the use of the circular power saw in accordance with the present invention and cannot be achieved in the circular power saws in the prior art, are provided in the inventive circular power saw by the features defined in the current claims, in particular in Claim 1.

In the circular power saw in accordance with the present invention, the saw assembly (12) is pivotably supported on a swivel arm (36) relative to the footplate (22) to be adjustable, the handle (24) is rigidly connected to the swivel arm (36) independently from the saw assembly (22) so that the saw assembly has not handle for gripping by a user, and an overload coupling (44) pivotably detaches the saw assembly relative to the footplate to decouple a saw assembly automatically from an adjusted cutting depth during sawing if kick back occurs, so that the saw assembly accelerates upwardly without the footplate lifting away

from the workpiece relative to the footplate and the handle so that both remain in the same prior position.

The Japanese reference discloses a circular saw having a housing, a motor, a saw blade, a footplate, and a saw assembly pivotably supported on a swivel arm to pivot relative to the footplate between a minimum and a maximum cutting depth.

This reference however does not disclose decoupling the assembly from handling forces that act on the saw blade. Thus, the reference does not disclose the major feature of the present invention of decoupling of the saw assembly without lifting the footplate and acting on the handle attached to the footplate to prevent harm to a user.

The U.S. patent to Weiner discloses a saw blade retainer and kick back clutch assembly that decouples the forces acting on the saw blade. It however has nothing to do with a circular power saw in which a handle is rigidly connected to a swivel arm pivotably supporting a saw assembly which is pivotable relative to the footplate and is adjustable relative to the footplate and relative to the handle remaining in a stationary position.

None of the references disclose all new features of the present invention as defined, for example, in Claim 1. None of the references disclose any hint or suggestion that they recognized the problems which the prior art tools encountered, and none of the references provided any hint or suggestion to take any steps to eliminate the disadvantages of the prior art. There is no suggestion in the references to provide an overload coupling for decoupling the saw assembly during sawing if kick back occurs, and kicking into a position of minimum cutting depth relative to a footplate without its lifting away from the workpiece and also relative to the handle, which remains in its prior position and cannot harm the user.

The reference therefore have no hint, suggestion, or motivation to combine them with one another, and in particular to combine them so as to provide the specific construction of the circular power saw which accomplishes unexpected and highly advantageous results.

The same arguments are fully applicable with respect to the other independent claims currently on file.

It is therefore respectfully submitted that the present invention as defined in the independent claims currently on file cannot be considered as obvious from the references applied by the Examiner taken singly, the

combination of the references proposed by the Examiner cannot be considered as obvious, and the new features as defined in the independent claims cannot be considered as obvious from the prior art applied by the Examiner.

The independent claims currently on file should be considered as patentably distinguishing over the art and should be allowed.

As for the dependent claims, these claims depend on the corresponding independent claims, they share their allowable features, and therefore they should be allowed as well.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Any costs involved should be charged to the deposit account of the undersigned (No. 19-4675). Alternatively, should the Examiner feel that a personal discussion might be

helpful in advancing this case to allowance; he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael J. Striker', with a long horizontal flourish extending to the right.

Michael J. Striker
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